

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL ABNER et al.,

Plaintiffs,

v.

FEDERAL EXPRESS CORPORATION,  
successor by merger to FEDEX GROUND  
PACKAGE SYSTEM, INC.,

Defendant.

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CIVIL ACTION

No. 2:24-cv-01129-RJC

**[PROPOSED] ORDER GRANTING  
FEDERAL EXPRESS CORPORATION'S  
MOTION FOR RULE 11 SANCTIONS  
TO DISMISS PLAINTIFFS' FIRST  
AMENDED COMPLAINT**

THIS MATTER, having come before the Court on Defendant Federal Express Corporation's ("FedEx"), successor by merger to FedEx Ground Package System, Inc., Motion for Rule 11 Sanctions to Dismiss Plaintiffs' First Amended Complaint, and the Court having reviewed said motion and being fully advised, hereby orders that the Motion is GRANTED.

Plaintiffs' First Amended Complaint is DISMISSED WITHOUT PREJUDICE. If Plaintiffs' counsel choose to refile a new complaint, they must attach to said complaint a letter to the Court (1) affirming that they have effectively communicated with each potential Plaintiff about their obligations as named Plaintiffs as opposed to being class or collective action members and to obtain their informed consent to be such Plaintiffs; (2) affirming that they have ensured that each Plaintiff is willing and able to participate and meet the obligations of being a Plaintiff (including preservation of documents); (3) detailing a plan for the Court as to how Plaintiffs' counsel can meet Plaintiffs' discovery and other obligations in a timely and efficient manner, and (4) affirming that they have conducted a reasonable investigation under the circumstances to determine whether each potential Plaintiff's claims "are warranted by existing law" and "have evidentiary support or . . . will likely have evidentiary support." *See* Fed. R. Civ. P. 11(b)(2)-(3).

It is so ordered.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024.

BY THE COURT

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Honorable Robert J. Colville  
United States District Judge